

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FITBUG LIMITED,

No. C 13-01418 SC

Plaintiff,

v.

STATUS CONFERENCE ORDER

FITBIT INC.,

Defendant.

IT IS HEREBY ORDERED THAT:

(1) This case is set for trial on **Monday, 02/09/2015, at 9:30 a.m.**, or as soon thereafter as the court may designate, all counsel having been advised that they must be prepared to go to trial on a trailing basis. This order shall also apply to all trial continuance dates.

(2) All discovery shall be completed and all depositions taken by **09/22/2014.**

(3) The last hearing date for motions, to be noticed in accordance with Civil Local Rule 7-2, is **Friday, 12/12/2014, at 10:00 a.m.** Counsel should contact the courtroom deputy clerk for an available date prior to noticing any motions for hearing.

(4) All counsel shall meet prior to the pretrial conference to discuss the preparation of a joint pretrial statement and possible settlement of the action. Within one week thereafter, all counsel shall sign and file a written statement briefly summarizing the result of said conference, insofar as possible settlement is concerned.

(5) A pretrial conference shall be held before the court on **Friday, 01/23/2015,**
at 10:00 a.m.

(6) Not less than fourteen calendar days prior to the date set for trial, the parties shall:

(a) serve and file trial briefs;

(b) submit a list of the witnesses, including expert witnesses, they intend to present and any Daubert challenges (if not presented they will be deemed waived), the order of presentation, and an estimate of testimony time (both direct and cross), and a brief statement as to the content of the witness' testimony. No witnesses other than those on said list shall be allowed to testify (except upon express order of the court), also with reference to expert witnesses, FRCP Rule 26 will be adhered to and applied;

(c) serve and file statements designating excerpts from depositions (specifying the witness and page and line references), from interrogatory answers and from responses to requests for admission to be offered at the trial other than for impeachment or rebuttal;

(d) exchange copies of all exhibits to be offered and all schedules, summaries, diagrams and charts to be used at the trial other than for impeachment or rebuttal. Upon request, a party shall make the original or the underlying documents of any exhibit available for inspection and copying. Each proposed exhibit shall be pre-marked for identification in a manner clearly distinguishing plaintiff from defendant, and a list of exhibits shall be prepared by each party.

(7) (a) If a jury trial has been demanded, the parties shall not less than fourteen days before the date set for trial, e-file with the court, proposed voir dire questions, a complete set of proposed jury instructions and verdict form upon which they have agreed, including all standard instructions regarding the role of jurors, organization of the jury, communication with the court, etc. At the same time, each party shall e-file with the court, all proposed jury instructions upon which any other party does not agree, noting the corresponding instruction, if any, being lodged by the other party. Each

1 proposed instruction shall (I) be concise and free from argument; (ii) show the identity
2 of the offering party; (iii) be typewritten in full on separate pages; (iv) be consecutively
3 numbered; and (v) set forth specific citations to supporting authority.

4 (b) If a non-jury trial is requested, each party must submit proposed
5 findings of fact and conclusions of law and form of judgment at least fourteen days
6 before trial.

7 (8) Each party shall see to it that all depositions are brought to court on the trial
8 date.

9 (9) No provisions of the order may be changed except by order of this court
10 upon its own motion, or upon motion of one or more parties made pursuant to Civil
11 Local Rule 7.

12 (10) Failure to strictly comply fully with each and all provisions of this order
13 will be deemed sufficient grounds to impose sanctions, which may include dismissal of
14 the action, dismissal of cross-complaint, dismissal of defenses, or refusal of testimony
15 of witnesses not listed per 6(b) above.

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18 Dated: December 13, 2013

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21 United States District Judge
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INSTRUCTIONS FOR EXHIBIT MARKERS, EXHIBIT LIST, AND TRANSCRIPTS

EXHIBIT MARKERS

Counsel should fill in the appropriate markers leaving the "Date Entered" and "Deputy Clerk" lines blank.

Plaintiff's exhibits should be denoted as: 1, 2, 3, etc. Defendant's exhibits should be denoted as: A, B, C, etc.

EXHIBIT LIST

Counsel are to supply all the requested information with the exception of the two "Date Boxes."

COLOR OF EXHIBIT BINDERS

Plaintiff's exhibit binders must be black and Defendant's exhibit binders must be blue.

TRANSCRIPTS

Should a daily transcript and/or realtime reporting be desired, arrangements must be made with the Courtroom Deputy at least fourteen (14) days before the scheduled trial date.

CASE NO. _____ DATE _____

_____ v. _____

() Plaintiff () Defendant

[illegible]

Case No. _____ Case No. _____

PLTF Exhibit No. 1 **DEFT** Exhibit No. A

Date Entered _____ Date Entered _____

Signature _____ Signature _____

Case No. _____ Case No. _____

PLTF Exhibit No. 2 **DEFT** Exhibit No. B

Date Entered _____ Date Entered _____

Signature _____ Signature _____

Case No. _____ Case No. _____

PLTF Exhibit No. 3 **DEFT** Exhibit No. C

Date Entered _____ Date Entered _____

Signature _____ Signature _____

Case No. _____ Case No. _____

PLTF Exhibit No. 4 **DEFT** Exhibit No. D

Date Entered _____ Date Entered _____

Signature _____ Signature _____

Case No. _____ Case No. _____

PLTF Exhibit No. 5 **DEFT** Exhibit No. E

Date Entered _____ Date Entered _____

Signature _____ Signature _____

Case No. _____ Case No. _____

PLTF Exhibit No. 6 **DEFT** Exhibit No. F

Date Entered _____ Date Entered _____

Signature _____ Signature _____